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By NYSECF

July 16, 2021

Honorable Sarah Netburn
U.S. District Courthouse
Southern District of New York
40 Foley Street, Courtroom 430
New York, New York 10007

Re: Teddy Volkswagen of the Bronx, LLC v. Phillip Demersky
Case No.: 1:19-cv-2337 (AJN) (SN)

Dear Judge Netburn:

As you are aware our office represents the Defendant in connection with the above action.

Pending the Court Conference, the settlement be deemed incomplete, and Defendant respectfully requests his obligations be suspended pending the conference.

Attached is Plaintiff's correspondence giving Notice of Default. Defendant's payment is being held in escrow by counsel as Plaintiff had requested. Plaintiff then asked for proof of the deposit. It is not my intention to share my escrow account statement with Plaintiff.

The sole reason for this power play is Plaintiff's desire to get a release from Defendant to which they are not entitled. Defendant should not be prejudiced as having defaulted since the parties have engaged in good faith discussions and awaiting the Court conference. Plaintiff seeks to obtain an advantage while that occurs.

If the on the record transcript is what Plaintiff is satisfied with to seek enforcement, then Defendant submits any further documentation is unnecessary and the need for a Settlement Agreement rendered moot. Defendant is agreeable to that as well. The Agreement and Confession of Judgment should be rendered null and void as they were exchanged as part of settlement discussions. In such a situation, Defendant would merely seek an extension of time to send Plaintiff the escrowed funds and not be deemed to have defaulted.

Please contact our offices if there is any additional information or documentation that may be helpful to the Court's review. Thank you for your time, attention and consideration of this matter.

Sincerely,

Joseph J. Ranni

Joseph J. Ranni

cc: Emanuel Kataev, Esq. (via ECF)